IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTIETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION No. 13361 of 2004

Between:

S. Veerabadhrarao S/o Venkataramanna
R/o Ashwaraopet (V) Ashwaraopet (M), Khammam District

..... PETITIONER

AND

1 State of A.P., rep by Prl. Secretary, Irrigation & Command Area

Development Department, Secretariat, Hyderabad
2 The Divisional Engineer, Irrigation Division, Ashwaraopet (V&M),

Khammam District
3 The Mandal Revenue Officer, Ashwaraopet (M), Khammam District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus (a) directing the respondents not to dispossess the petitioner from about Ac. 3.00 guntas in Sy. No. 249 of Ashwaraopet Village, being a strip and part and parcel of his plot of land between Sy.No.248 and the road leading from Ashwaraopet to Gurralacheruvu; or alternatively (b) directing the respondents to initiate lands acquisition proceedings and pay compensation with all attendant benefits for the land taken over by the respondents from Sy. No. 248 for excavation of irrigation canal in case the respondents intend to dispossess him from the land covered by Sy. No. 249.

Counsel for the Petitioner : Mr.SATYANARAYANA NIMMAGADDA

Counsel for the Respondents: G.P. FOR IRRIGATION & COMM. AREA DEV.

The Court made the following :

ORDER :

The averments made in the writ petition prima facie disclose a civil dispute where forty years ago certain lands belonging to the petitioners were acquired for excavation of Irrigation canal leading from Ankamma Tank to the Ayacut lands and in the process, petitioner was permitted to occupy Ac.3-00 of adjacent land as compensation and since then he is in possession of the property. While so, the respondents are visiting and seeking to evict the petitioner from the land in question alleging that he encroached upon the said land.

Heard the learned counsel for petitioner and learned Government Pleader.

The very question as to whether the petitioner was permitted to occupy the land in question in lieu of compensation for his lands acquired by the authorities forty years ago for the purpose of Ankamma Tank, has to be decided by the Civil Court after the trial, and, this Court cannot go into the said question in exercise of its jurisdiction under Article 226 of the Constitution of India.

Therefore, with liberty granted to the petitioner to approach the Civil Court for resolution of the same, the Writ Petition is dismissed.
No costs.

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A.GOPAL REDDY, J

Date: 30.7.2004

DA

To

1 The Principal Secretary, Irrigation & Command Area

Development Department, Govt. of A.P., Secretariat, Hyderabad
2 The Divisional Engineer, Irrigation Division, Ashwaraopet (V&M),

Khammam District
3 The Mandal Revenue Officer, Ashwaraopet (M), Khammam District.

4. Two CCs to the G.P. for Irrigation & Command Area Dev., High Court

of A.P., Hyderabad (OUT)

5. Two CD copies.